File No. 41/8/48-Public.

Collection No.

19 48 .

Indexed

D-10

Government of India.

Ministry of Home Affairs.

Public Section.

Pros. Serial Nos.

Subject.

Indian National Flag-

Flag for Merchant Shipping-

Previous References.	**Later References.**
	Keep 12 20/12/58

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S. 97 (Unbleached).
MFP—811 S&P—6862-A—(M-1161)—23-2-48—20,00,000.

Ministry of Home Affairs. (2)

(Previous notes need not be read)
(Reference Commerce Ministry's note above)

The Constituent Assembly adopted the National Flag of India; but left it to the Government of India (in its various Ministries) to design other flags viz. those for the Army, Navy, Air Force, Merchant Shipping etc.

2. An inter-Ministerial meeting was held in this Ministry in January 1948 last to consider whether adaptations of the National Flag would be necessary for the Army, Navy etc., or the status quo should be maintained until the future consitution of India vis a vis the British Commonwealth was determined. So far as the Merchant Shipping was concerned, the Commerce Ministry were of the view that until a comprehensive Merchant Shipping Legislation could be made, the provisions of Section 73 of the British Merchant Shipping Act, 1894 would apply and that the association with the British Flag should continue, that is, Indian Shipping should continue to use the Red Ensign. This Ministry, however, held that the contemplated legislation might take time and that the Commerce Ministry should see in the meanwhile whether exemption from use of the British Flag could not be secured by a warrant issued by His Majesty in pursuance of sub-section (1) of Section 73 of the British Merchant Shipping Act 1894.

3. The Law Ministry, who were consulted on the point by the Ministry of Commerce, could not find any instance in which the warrant was issued in practice generally in regard to all ships registered in a portion of H.M.'s Dominions. Warrants were, however, granted in the case of certain British merchant ships in receipt of Admiralty subvention etc. The Dominions of Canada, Australia, New Zealand, South Africa have a maritime flag, a modification of the British flag, for which no warrant appears to have been issued. The Law Ministry have further added that it is open to India to prescribe her own maritime flag notwithstanding the provisions of 73 of M.S. Act, 1894; and that by reason of Section 6(2) of the Indian Independance Act, no law of the Indian Dominion shall be void or inoperative on the ground that it is repugnant to the provisions of any Act of Parliament.

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4. The Commerce Ministry were inclined at first to accept the Law Ministry's view and to start on a new design flag for the Merchant shipping. They, however, wanted to coordinate this design with that for the R.I.N. and so referred the question to the Naval Headquarters for opinion. The latter have ~~xxx~~ maintained that "now when the R.I.N. is trying to build up and is primarily relying on H.M.G. for development, it will be of advantage to retain the White Ensign (used at present) as ensign to be flown at the ensign staff and the Indian National Flag in the bows of the ship as the Jack. In consonance with this they have suggested that the merchant shipping should also fly the red ensign suitably defaced in the fly by the national emblem" e.g. the Asoka Wheel. This, the N.H.Q. felt, should be adopted, so long as India remains a part of the Commonwealth and they have therefore suggested that we should await the decision of the Constituent Assembly on the future Constitution of India. On this view, the Commerce Ministry, on reconsideration, seem inclined to the continuance of the present situation until the new Constitution is inaugurated, though this is likely to entail delay, which we desired to obviate. It is for consideration whether we should postpone a decision for the present.

(Thereafter E.A. & C.R. Ministry will have to see)

Sd/- A.V. Raman,
20.9.48

Section 73 of the Merchant Shipping Act declares the Red Ensign usually worn by merchant ships, without any defacements or modifications whatsoever, to be the proper national colours for all ships and boats belonging to any British subject, except in the case of His Majesty's ships or boats or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a ~~xxxx~~ warrant from His Majesty or from the Admiralty. The initial view taken ~~has~~ was that, until India has her own legislation authorising Indian registered ships to fly their own flag, the provisions of the Merchant Shipping Act would continue in force and that such ships would have to fly the Red Ensign. The Commerce Ministry were considering the question of prescribing a different flag or a variant of the Red Ensign for Indian

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(3)

ships before making suitable changes in the law. Indian Shipping Companies were asked for their views on the design of a suitable flag for merchant ships; some wished to retain the Red Ensign, others suggested a combination of the Indian National Flag and the Red Ensign, but the majority were in favour of any entirely separate flag having no association with the Red Ensign.

2. The opinion of the Law Ministry, subsequently taken, was to the effect that India could prescribe a flag of her own notwithstanding anything contained in section 73 of the Merchant Shipping Act, by virtue of section 6(2) of the Indian Independence Act which provides that no law of the Indian Dominion shall be void or inoperative on the ground that it is repugnant to the provisions of any Act of Parliament.

3. The Commerce Ministry feel that it is not possible to decide the design for the Mercantile Marine Flag until a decision on the R.I.N. Flag has been taken and the R.I.N. do not, for reasons stated in Commander Chatterji's note of 2.9.48, propose to depart from the present practice of flying the White Ensign at the ensign staff and the Indian National Flag at the bows of the ship as the jack.

4. The Government of India would, in any case, have to promote legislation on the subject of the flag to be flown by the Indian Mercantile Marine and this is likely to take some appreciable time. We may agree with the conclusion that there should be no change till the question of continuance of India within the British Commonwealth is decided. E.A. & C.R. Ministry may see.

Sd/- E.C. Gaynor
25.9.48
Deputy Secretary.

Secretary

MINISTRY OF HOME AFFAIRS.

I have discussed this case with H.M., and he desires that consideration of it should be held over till the Prime Minister's return from the U.K.

2. The accompanying D.O. to Secretary-General, E.A. & C.R. Ministry, should issue in the meanwhile.

Sd/- H.V.R. Iengar
1.10.48.

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(-4-)

Commerce Ministry.
Ministry of Home Affairs u/o No.D.8244/48-Public, datdd the 6th October 1948.

NATIONAL ARCHIVES OF INDIA

Received in the P. & I (Confdl.)
On 1/10
Case No 4151
Typed by Mr. Dhawan
Compared by

(5)

Secret

D.O.No. 41/8/48-Public.
New Delhi,
October 1, 1948.

Dear Sir Girja,

When the design of the National Flag was under consideration in the Constituent Assembly, I wrote, as Secy. of that body, a letter to the various Minstries concerned asking them to take up the question of the design of the ancillary flags with which they were concerned. I have now, in my capacity as Home Secretary, got certain papers from the Commerce Ministry regarding the flag flown by Indian merchant ships. As you are aware, this is the Red Ensign which carries the Union Jack near the mast head. The Red Ensign has been prescribed by the British Merchant Shipping Act for all ships belonging to British subjects and till the 15th August 1947 no authority in India had any power to alter it. In view of the terms of the Indian Independence Act, it is now open to our Dominion Legislature to prescribe any flag it likes for Indian merchant ships in place of the Red Ensign. The question under consideration in the papers sent to me is whether it is expedient at the present stage to effect any change.

ISSUED
On 1/10

2. Naval Headquarters have been consulted. As you know, their own flag is the White Ensign which also has the Union Jack near the mast head. Their view is that as the Royal Indian Navy is primarily dependent on His Majesty's

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Government in the United Kingdom for its development, it would be of advantage to retain (for so long as we remain in the Commonwealth) the White Ensign as Ensign to be flown on the Ensign Staff; the Indian National Flag will be flown at the bows of the ship as the jack. Their advice is that for so long as we remain a member of the Commonwealth, it would be better to effect no change in the Red Ensign either. The Defence Ministry have accepted this view on the argument that if we decide to remain in the Commonwealth, we can change our flags without any risk of misunderstanding, whereas any change at the present stage is likely to lead to misunderstanding.

3. I have discussed the matter with Sardar Patel and he has asked that the whole case should be held over till the Prime Minister's return from the United Kingdom. By then we shall be in a better position to examine the implications of changes of this sort. I am writing this to you merely to keep you informed of the position and so that you may inform the Prime Minister.

(H.V.R. IENGAR)

Sir Girja Shankar Bajpai, KCSI, KBE, CIE.

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(7)

No. 664-PASG/48

GOVERNMENT OF INDIA.
MINISTRY OF EXTERNAL AFFAIRS & COMMONWEALTH RELATIONS.

New Delhi, the 2nd October *1948*.

D.8299/48-Pub.
5-10-48

H.P.S-6 ante

My dear H.V.R.

Many thanks for your D.O. No.

41/8/48-Public dated 1st October, 1948.

I am arranging to inform the Prime Minister of the Deputy Prime Minister's decision.

Yours sincerely,
G.S. Bajpai.

H/4/P

H.V.R. Iengar Esq., C.I.E.,
Secretary,
Ministry of Home Affairs,
NEW DELHI.

U/P (Pubs)

R.B.S. 4/10.

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PRIME MINISTER'S SECRETARIAT, INDIA

No. P/S/6223

New Delhi, the 6th Oct. 1948.

D.8407/48-Pub.
8/10/48.
pp.5-6 ante

My dear H.V.R.,

Please refer to your D.O.No. 41/8/48-Public of the 1st October, 1948, to Sir Girja Shankar Bajpai, regarding the flag to be flown by the Indian Merchant Ships. The Prime Minister has seen this letter and he has asked me to say that he agrees with the Deputy Prime Minister's suggestion that the whole question should be held over till he returns from the U.K.

Yours sincerely,

A.V.Pai

(A.V.Pai).

Shri H.V.R.Iengar,ICS.,
Secretary,
Ministry of Home Affairs,

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Reference d.o. corr. on pp.7-8 ante.

For information only.

A V Raman
15-10-48

RDS
9/10/48
13.10.48
M-5(64)

The file may now go to the P.M.'s Secretariat as indicated by D.S.(J). ~~above~~.

Sd. A.V. Raman.
23.11.48.

R.DS 15/10

P.P.S. to H.P.M.
M. of H.A. u/o No.9677/48-Public, dated 24.11.48.

I ~~xxxxxx~~ cannot put up this whole file to the Prime Minister. Will the Home Ministry please let me have a self-contained note stating the case and the specific points on which the Prime Minister's orders are required.

Sd. A.V. Pai.
26.11.48.

Ministry of Home Affairs.
P.M.'s Sect. u/o No.329154)-48, dated 26.11.48.

Ministry of Home Affairs.

D.S. may kindly see note by P.P.S. to H.P.M. above. A self-contained draft u/o is put up which may issue after D.S.(J) has seen. It follows Secretary's d.o. to S.G., E.A. & C.R. Ministry.

Sd. A.V. Raman.
7.12.48.

Sd. E.C. Gaynor.
8.12.48.

Please issue the u/o to P.M.'s Sectt. today.

Sd. A.V. Raman.

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(10)

MINISTRY OF HOME AFFAIRS.

SUBJECT:- Flag for the Indian Merchant Ships.

The flag flown by the Indian Merchant Ship is the Red Engsign which carries the Union Jack near the Mast head. This is in accordance with section 73 of the Merchant Shipping Act of 1894. Till the 15th August 1947, no authority in India had any power to alter it. In view however, of the terms of Section 6(2) of the Indian Independence Act, 1947, (which provides that no law of the Indian Dominion shall be void or inoperative on the ground that it is repugnant to the provisions of any Act of Parliament), it is now open to the Dominion Legislature to prescribe any flag it likes for the Indian Merchant Ships in place of the Red Ensign.

2. At a meeting of Ministries held in January 1948 the question was considered whether it was expedient, inter alia , to adopt the National Flag of India for the use of Indian Merchant Ships and the Navy. While the flag flown by the Indian Merchant ships is the Red Ensign, the Navy flows the White Ensign which has also the Union Jack at the mast head. The Ministry of Commerce desired to have the views of the Naval Headquarters in the matter. Naval Headquarters were of the opinion that, as the R.I.N is primarily dependent on H.M's Government in the United Kingdom for its development, it would be an advantage to retain (for so long as we remain in the British Commonwealth) the White Ensign as Ensign to be flown on the Ensign staff; the Indian National Flag would be flown at the bows of the ship as the Jack. Accordingly, their advice was that, for so long as we remain a member of the Commonwealth, it would be better to effect no change in the Red Ensign either. The Defence Ministry accepted this view on the argument that if we decide to remain in the Commonwealth, we can change our flags without risk of misunderstanding whereas any change at the present stage is likely to lead to misunderstanding.
The Ministry of Commerce have no objection to the present situation continueing until such time as the Constituent Assembly has reached a decision regarding the continuance of India within the British Commonwealth.

3. The Honourable Minister for Home Affairs, who was consulted by the Home Secretary during H.P.M's absence in England, had asked that the matter should be held over till H.P.M's return from the U.K. When we would be in a better position to examine implications of this sort.

4. The question whether any change should be made in the flag flown on Indian Merchant Shipping, may kindly be brought to the notice of H.P.M for such directions as he may desire to give in the matter.

4585-M/48
Date 13-12-48

A.N.Sen 10.12.48

P.M.

Deputy Secretary.
7.12.1948

P.P.S to H.P.M

M.H.A u.o No. D.10266/48-Public, dated 9th December 1948

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(11)

I think this question should be decided now. It might be postponed for a few months. The Flag will have to be changed later.

J Nehru
13/12

Ansari
12.12.48

This may be shown to Defence & Commerce ministers.

Hafiz
13/12

Home Ministry
(D. HVR Iyengar)

P.M. Scott: U/O No. D/S/7781
dt 13.XII.48

E
13/12
US(PR) 16/12

D. 10511/48-Pol Sec Public
17/12/48.

RDS
17/12

Ministry of Defence/Commerce
Ministry of Home Affairs u/o No.D.10511/48-Public,
dated 18.12.1948.

Copies sent to the Ministries of Defence and Commerce.
N. Mullerpir 18/12
Superintendent.

B

NATIONAL ARCHIVES OF INDIA

(12)

Section 73(1) of the U.K. Merchant Shipping Act, 1894, which is now the operative law in India, prescribes the red ensign (a red flag with the Union Jack in the top left hand quarter) as the flag to be flown by ships owned by British subjects. Even ships owned by Indians and registered in India are under the existing law "British " ships and are required to fly the red ensign.

2- In July 1947 just before the transfer of power, this position was reviewed and as a result the then Commerce Department advised Indian shipowners that until such time as provision was made in the law prescribing a different flag for Indian ships they should continue to fly the red ensign whenever colours are required to be hoisted, but that they should in addition fly the Indian National Flag from the foremast head. The Department also advised that whenever, (for i-nstance when visiting a foreign port) the flag of a foreign country has by way of courtesy to be flown on the foremast head, the National Flag should be flown on the main mast in addition to the house flag (the shipping company's flag).

3. The Ministry of Commerce later invited the views of Indian Shipping Companies on a design for a suitable Indian Merchant Shipping flag which could be prescribed in the statute. Various suggestions and designs were received.

4. The Ministry of Commerce came to the provisional conclusion, then, that it would be desirable to prescribe a distinct flag for the Indian Mercantile Marine, different from the National Flag, though based on it. The views of the Defence Ministry were invited, as they are concerned with the Indian Navy. They were of the view that it would be an advantage (for so long as India remained within the Commonwealth and depended on U.K. for developing the Indian Navy) not to alter the Naval Ensigns and that the question of altering the Red Ensign

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for the Merchant Shipping should also be kept pending till the final constitutional status of India was determined. They felt that any change in the flag at that stage might probably be misunderstood. (This was in September 1948 when the Commonwealth Prime Minister's Conference was meeting in London). In view of this the Commerce Ministry did not press the proposal further at that stage beyond consulting Home and E.A. and C.R. Ministries also. On this reference, the matter was submitted by the Home Ministry to the Honourable the Prime Minister who recorded the following Minute :-

" I think this question need not be decided now. It may be postponed for a few months. The flag will have to be changed later."

J. Nehru.
12.12.48"

5. The Commerce Ministry is now submitting to the Cabinet for consideration a draft Bill for amendment of Part I of the Merchant Shipping Act, 1894, in certain respects, and it is considered that this opportunity should be taken for reviewing the question of the Indian Merchant Navy Flag. It is recognised that there has been no final determination of the constitutional status of India, as the constitution is still being discussed. But having regard to the possible delay that is likely, the Commerce Ministry is of the view that a decision on this issue should not be postponed. India continues to fly the U.K. version of the red ensign complete with Union Jack, though even the other Dominions have prescribed modifications for themselves. Ships of Indian companies have regular sailings at present to the U.K., the European Continent and to North America and it is felt that continuing on the present basis is liable to cause misunderstanding at foreign ports. Various Indians have noticed and commented upon the present anomalous position when travelling in Indian vessels and have advised the desirability of an early change.

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6. The Commerce Ministry is therefore, of the view that the Bill that will be presented to the Legislature to amend the Merchant Shipping Act should include a provision regarding the flag to be flown by Indian merchant ships. After careful examination of the various designs submitted by shipowners and others, the most suitable design would appear to be a red flag with the National Flag occupying the top left hand quarter of it. In other words, this would be the U.K. Red Ensign with the National Flag substituted for the Union Jack. In this connection it may be mentioned that all the other Dominions have prescribed variants of this Red Ensign for their merchant ships, and that the above proposal would be in conformity with that presctice. While there will thus be a link with the Commonwealth countries in the shape and colour of the flag, the proposed flag would at the same time be characteristically Indian and easily so distinguishable. It would vary from the flags of the other Dominions in that while they all carry the Union Jack as is appropriate in their cases, the Indian version would have no vestige of the Union Jack. No information is available as to the merchant flag adopted by Pakistan and Ceylon, but they are believed to be continuing so far with the original (U.K.) red ensign.

7. To cover the possible contingency of a change in the flag being required by any change in the constitutional status of India and also to enable the proposed design being examined more fully, if desired, from the artistic or other points of view it is suggested that the actual design need not be prescribed in the statute and that the latter may only provide for the Government of India being vested with the power to notify the flag to be flown by Indian ships.

8. The Law Ministry agree that such legislation could be prepared.

9. If H.M. agrees, I shall invite E.A. and C.R. Ministry's comments before taking further action.

Sd. S. Ranganathan.
4.2.1949.

(Secy. agrees with this and was anxious that I should send the file to H.M. without waiting for his return.)

H.M.

As proposed. Sd. K.C.N.
Sd. 8.2.

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(15)

E.A. & C.R. (Mr. K.P.S. Menon) (~~From p. 62 ante~~).
Ministry of Commerce U.O. NO. 73-M.I(2)/47 dt. 9.2.1949.

Will P.M. please see the notes from pre page ~~62~~ ?

There does not seem to be any harm in the Government of India taking power to notify the flag to be flown by Indian Ships, as proposed in paragraph 7 of ~~the~~ Mr. Ranganathan's note above.

Sd. K.P.S. Menon
9.2.1949.

I agree.

Sd. J. Nehru.
10.2.1949.

P.S.
P.M. Sectt: U.O. NO. D/S/1295 dt. 11.2.1949.

Sd. K.P.S. Menon.
11.2.1949.

Commerce Ministry (Mr. Ranganathan)
Miny. of E.A. & C.R. U.O. NO. 388/PSFS dt. 12.2.1949.
Admn. Intelligence Room.

As suggested by Mr. Menon of our Ministry, I am sending herewith a specimen of the proposed National Flag to be used for the Merchant Navy. The size has been taken at 26" x 39" and the inset National Flag has been taken as per requirements. Suggestions regarding additions and alterations, if any, may please be communicated to me as early as possible.

Sd. C. Biswas
18.10.1949.

Ministry of Commerce (Mr. Menon)
A.I. Room U.O. NO. GD/1(2)/49 dt. 18.10.1949.

(Ministry of Commerce)

The specimen merchant navy flag prepared by the Administrative Intelligence Room is placed below. The D.G. Shipping may see for remarks. He may advise after consulting prominent local shipping Companies whether it is necessary to have the flag examined from the artistic point of view through the Ministry of Education. If the D.G.S. and Indian Shipping Companies approve the flag, it may be worth while to save time by avoiding a reference to that Ministry.

2. On return of the file from the D.G. Shipping, the Ministry of Home Affairs may be consulted whether the reproduction ~~of the~~

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(16)

of the national flag on the top left hand side of the specimen flag is in order.

3. After the specimen flag has been finally approved, it may be prescribed by a Notification under Section 6 of the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949, as the propoer national colours for Indian ships for the purposes of Sections 73 and 74 of the Merchant Shipping Act, 1894. A Press Note may also be issued at the time of the issue of the Notification.

4. The file may be treated as urgent.

Intd.
22.10.1949.

Intd. D.S.(M.M)
24.10.1949.

This was discussed at a Conference with JS(MM) and the D.G. of Shipping on 7th November 1949. D.G. agreed that the design of the proposed mercantile marine which was based on the Red Ensign was correct. There was no need to consult Shipping interests. The only thing that remains now is to check the details, the dimensions of the whole flag, of the national flag on it, the different colours etc.

Sd. - - -
8.11.1949.

I regret that there was been some delay in the disposal of this file due to my illness last month. I took it up again a few days ago and have had discussions with the Naval Headquarters on dimensions etc. Firstly, the specimen merchant navy flag prepared by the Administrative Intelligence Room has red of the ensign and orange of the National Flag incorrectly portrayed. The white ensign's width is half of its length but the National Flag's width is ~~half~~ 2/3rd of its length. ~~but the National Flag's width is 2/3rds of its length.~~ There is no difficulty in the National Flag being super-imposed on a 1 : 2 red ensign but in the case of the Navy which we should normally follow, it has not been found possible to super-impose the National Flag on a while ensign with breadth half of its length. The reason for this is that the white ensign has a red cross forming four equal squares and the National Flag has to be fully contained in

the ...

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the top left square. Therefore, the proportion of dimensions of both flags should be the same. The Navy has, therefore, decided upon a white ensign whose width would be 2/3rds of its length. We may follow the Navy and have the same porportions for the red ensign of the merchant fleet. The inset Flag would then be in length half the length of the flag and in width half the width of the flag as is the case with the existing white ensign. This is more or less correctly shown in the specimen merchant navy flag placed below.

The new Navy Flag has been approved by the Cabinet. It is, therefore, not necessary to obtain separate Cabinet approval for the merchant navy flag which will follow the same pattern, especially when it has already been approved of by the Prime Minister.

It is proposed to bring this flag into force with effect from the day India is declared a Republic, i.e. the 26th January, 1950. Therefore, it is necessary to issue early orders. Ministry of Home Affairs' concurrence is requested for the issue of orders on the above lines. The procedure for hoisting the new ensign would be the same as is laid down for this flag at present.

An early return of the file is requested.
Meanwhile, U.S. should prepare a notification and a draft of the orders which will have to issue to the D.G.

(The Manual of Seamanship which has been borrowed from the Naval Headquarters gives a picture of the red ensign at slip 'J').

Sd.

5.12.1949.

Ministry of Home Affairs (Mr. Raman).
Ministry of Commerce U.O. NO. F.73-MI(2)/47 dt. 6.11.1949.

Ministry of Home Affairs.

We have no objection to the issue of orders in regard to the new merchant navy Flag on the lines proposed by the Ministry of Commerce. It is, however, pointed out that the colours and Chakra in the inset

National ...

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(18)

National Flag are not accurate. They should be exactly as approved by the Constituent Assembly- vide their resolution on the National Flag, copy attached herewith.

Sd. Fateh Singh.
9.12.1949.
DEPUTY SECRETARY

Ministry of Commerce
M. of H.A. U.O. NO. D- 4779/49-Pb- dt. 10.12.1949.

NATIONAL ARCHIVES OF INDIA

ROUTINE

19

Ministry of Home Affairs.

(19)

Commerce Ministry's file below has been referred to us for our approval with regard to the new design of the Flag for Merchant Ships.

2. The present flag flown by the Indian Merchant Ships is the Red Ensign superimposed with the Union Jack on the top left hand corner of it. This is in accordance with section 73 of the Merchant Shipping Act of 1894. Till the 15th August 1947, no authority in India had any power to alter it. After 15.8.1947 it was open to the Dominion Legislature to prescribe any flag it liked for the Indian Merchant Ships in place of the Red Ensign. The matter was accordingly taken up by the Commerce Ministry to prescribe a new flag for the Merchant Ship in 1948 and the case was referred to the Hon'ble Prime Minister for his direction in the matter. He had stated that the question need not be decided then. He had desired that it might be postponed for a few months. (vide P.M.'s note dated 12.12.1948)

3. To ~~cover~~ meet the ~~possible contingency~~ necessity for a change in the flag, the Government of India have now been vested with the power to notify the flag for Indian Ships vide Act XVIII of 1949, which came into force from the 10th April 1949. (This has had the approval of the Hon'ble Prime Minister).

4. The proposed design is the Red Ensign with the National Flag of India super-imposed on the top left quarter ~~hand corner~~ of it. In other words this would be the U.K. Ensign with the Indian National Flag substituted for the Union Jack. The suggested change is proposed to be brought in use with effect from the 26th January 1950. In this connection it may be stated that in the case of the Navy Flag, which is the White Ensign with the Union Jack on top ~~of the~~ left hand corner, the Cabinet has given its approval that the White Ensign may continue to be used except that the Union Jack be replaced by the Indian National Flag. In view of this the Ministry of Commerce do not consider it necessary to obtain a separate approval of the Cabinet. In the circumstances explained

* Returned under U.O. No. 4779/49-PP. dt. 10.12.49 (Extracts on pp. 12-18 ante)

F.11/Indes

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(29) (20)

above, we may have no objection to the adoption of the proposed design of the Flag for Indian Merchant Ship. (The design is at flag Y). We may, however, point out that the design of the Asoka Chakra is not in accordance with the approved design contained in the National Flag. There should be no blank space between the two outer circles of the Chakra. The blank space may be covered with navy blue as shown in the approved* design. The Ministry of Commerce may also consider the desirability of ~~the~~ uniformity in the colours of the National Flag on both sides of the Ensign.

* Slip B.

RDS
8.12.49
JT. DG
8/12
WS/PG
D/8/(F)/1

A V Raman
8.12.49

The case is summarised in the office note above.

2. If Secretary agrees, Commerce Ministry file below may be endorsed as follows:-

"~~Subject to any remarks that the Ministry of Defence may have to make~~ we have no objection to the issue of orders in regard to the new merchant navy Flag on the lines proposed by the Ministry of Commerce. It is, however, ~~suggested~~ pointed out that the colours and Chakra in the inset National Flag, should be exactly ~~as they are in the approved design of the National Flag of India, a copy of which is put up at Slip "B"~~ are not accurately as approved by the Constituent Assembly vide their resolution on the national flag, copy attached hereto."

Secretary.

8.12.49

Sample B is not very good. Right is very pretty by the Constituent Assembly. The top saffron & not orange. Please get from CA the a copy of their resolution on the national flag. A note may be recorded a answer also.

9/12

(25) (21)

I have added a Note to the Commerce Ministry's file below which may now be returned to that Ministry.

Copy on ff. 17-18 ante

9.12.49

U.S.(Pb)

Please do so. Copies quoted should be kept but file should on that account not be delayed.

A V Raman
9.12.49

Done. vide note on p. 18 ante

pp. 1-3/Cor.

Serial No. (1)

For information only. We were consulted unofficially vide notes on prepage.

A.& N. Section may please remove a copy of the F.R. for communication to the Chief Commissioner, Andamans and Nicobar Islands.

A V Raman
9.1.50.

17.1.50.

US/Pb) 7/1

Andamans Sec.

A copy of the F.R. has been removed for communication to the C.C., Andamans.

17/1/50.

Ross 11/1

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Serial No. 2 (22)

H.S-7 Cor.

For information only.

RDS
3.2.50

A V Panikar
4.2.50.

RDS
3/2

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My of H.A. RAS 35/a

S. No. 1 (23) (1)

9763/47-Pub

31/12/47

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE

NEW DELHI, the 24th December, 1949.

N O T I F I C A T I O N.
(Merchant Shipping).

No.73-MI(2)/47. - In exercise of the powers conferred by Section 6 of the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949 (XVIII of 1949), the Central Government is pleased to declare that a Red Ensign with a width two-third of its length, the staff being on the left, and the National Flag of India super-imposed in the left-hand top quarter shall with effect from the 26th January, 1950 be the proper national colours for all ships registered in India, and for all vessels which are not registered in any British possession but are owned exclusively by persons domiciled in India or by bodies corporate established in India.

Sd/- (H.C.Sarin)
Deputy Secretary to the Government of India

No.73-MI(2)/47.

p. 3 infra

Copy, with a copy of Section 6 of the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949, referred to above, forwarded for information to:-

1. The Director General of Shipping, "Commerce House", Ballard Estate, Fort, Bombay (with 50 spare copies for communication urgently to Shipping Companies and the Principal Officers.

2. The Ministry of States (with 10 spare copies for communication to the Acceding Maritime States).

3. The Ministry of External Affairs (with 50 spare copies for communication to Indian Embassies abroad and the foreign Embassies in India).

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4. The Ministry of Home Affairs (with one spare copy for communication to the Chief Commissioner, Andamans and Nicobar Islands).

5. The Ministry of Railways (Railway Board).

6. The Ministry of Transport.

7. The Ministry of Agriculture (Fisheries).

8. The Cabinet Secretariat.

9. The Prime Minister's Secretariat.

10. All Provincial Governments and Chief Commissioners' Provinces.

11. The Director General of Commercial Intelligence & Statistics, Calcutta.

12. The Ministry of Industry & Supply.

13. The Ministry of Defence (with one spare copy for communication to the Naval Headquarters).

14. Legislative Assembly Department.

By order, etc.,

Lachhmi Narain

(LACHHMI NARAIN)
Assistant Secretary to the Government of India.

DV/23-12.
'C-250'

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Copy of Section 6 of the Merchant Shipping Laws (Extension to Acceding States and Amendment) Act, 1949.

Proper national colours for ships registered in, or owned by persons domiciled in, or bodies corporate established in, India. - (1) The Central Government may, by notification in the official Gazette, declare what shall be the proper national colours for all ships registered in India, and for all vessels which are not registered in any British possession but are owned exclusively by persons domiciled in India or by bodies corporate established in India and thereupon the colours so declared shall, in relation to all such ships and vessels, be the proper national colours for the purposes of sections 73 and 74 of the Merchant Shipping Act, 1894 (57 and 58 Vict., c.60), and any person hoisting on board any such ship or vessel any distinctive national colours, other than/

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than the proper national colours hereby so declared, shall be punishable with the penalty prescribed in sub-section (2) of section 73 of that Act.

(2) The Central Government may, by notification in the official Gazette exempt any ship or vessel or any class of ships or vessels from the operation of this section.

DV/23-12.
'C-150'

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S. No. 2 D/9651/49-K 27/12

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No. 73-M.I.(3)/49.
Government of India.
Ministry of Commerce.

New Delhi, the 26th December 1949.

From
To

The Director General of Shipping,
Commerce House, Ballard Estate,
Fort, BOMBAY.

SUB:- Flying by Indian merchant ships of Pakistan National Flag while in Pakistan waters.

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p. 6 infra p. 7 infra

A copy of letter from the High Commissioner for India in Pakistan, Karachi, No. IHC-25-Poll/49-V dated the 8th December 1949, and of its enclosures, on the above subject, is forwarded herewith for information. It is requested that the Indian Shipping Companies may be instructed to fly on their ships the Pakistan Flag of the specified design, dimension and colour while they are in Pakistan waters.

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Sd/- (Lachhmi Narain)
Assistant Secretary to the Government of India.

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* SYAL *

No. 73-M.I.(3)/49.

Copy forwarded for information to the High Commissioner for India in Pakistan, New Town, Karachi, 5, with reference to his letter No. IHC-25-Poll/49-V, dated the 8th December 1949.

Copy, with a copy of the enclosures, forwarded for information to the Ministry of External Affairs/ Ministry of Home Affairs / Ministry of Defence.

By order, etc.,

Lachmi Narain

(Lachhmi Narain)
Assistant Secretary to the Government of India.

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Copy of letter No. IHC-25-Poll/49-V, dated the 8th December 1949, from the Office of the High Commissioner for India in Pakistan, New Town, Karachi, 5, to the Secretary to the Government of India, Ministry of Commerce, New Delhi.

SUB:- Pakistan National Flag - Flying of - Foreign Merchant Ships visiting Pakistan Ports -

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Sir,

I have the honour to forward a copy of the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, Karachi Note. No. D. 5541-P/49, dated 2nd December, 1949 together with its enclosure, for information and necessary action.

Copy of Note No. D. 5541-P/49, dated the 2nd December, 1949 from Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, Karachi to the High Commissioner for India in Pakistan, Karachi.

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and have the honour to say that some time past it has been observed that foreign merchant ships visiting the port of Karachi fly Pakistan flag of incorrect designs and dimensions during their stay in the harbour. A copy of the Government of Pakistan's circular Order giving out the correct design, dimension and colour of the Pakistan Flag is enclosed. The Government of Pakistan would appreciate if henceforth the Indian merchant ships fly Pakistan Flag of the specified design, dimension and colour while in Pakistan waters.

The Ministry availx themselves of this opportunity to renew to the High Commission for India in Pakistan the assurances of their highest consideration.

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Copy of Office Memorandum No. 31-D/47-Public(C), dated the 28th August 1947, from Government of Pakistan, Ministry of Interior, Karachi to All Ministries of the Government of Pakistan.

The undersigned is directed to forward herewith for information and necessary action, a copy of the Resolution adopted by the Constituent Assembly of Pakistan on the 11th August, 1947, regarding the National Flag of the Federation of Pakistan.

Copy of the Resolution adopted by the Constituent Assembly of Pakistan on the 11th August, 1947.

.....

"That this Assembly resolves that the National Flag of the Federation of Pakistan be of the following description:-

A dark green rectangular flag in the proportion of length width 3:2 with a width vertical bar at the mast, the green portion bearing a white crescent in the centre and a five pointed white heraldic star.

The size of the white portion being one-fourth the size of the flag, nearest the mast, the remainder three fourths being dark green. The dimensions of the crescent and star are obtained as follows:

Draw the diagonal from the top right hand corner to the bottom left corner of the green portion. On this diagonal establish two points - 'A' and 'B' at a distance equidistant from top right and bottom left hand corners of the green portion, i.e. the centre of the green portion. Point 'B' at a distance from the top right hand corner equal to 13/20th the width of the flag. With centre point 'A' and radius 3/10th width of the flag describe the arc of a circle. With centre point 'B' and radius 1,1/4th the width of the flag describe a second arc. The enclosure made by these two arcs forms the crescent. The dimensions of the five pointed white heraldic star are determined by drawing a circle 1/10th the width of the flag. The circle surrounds the five points of the heraldic star. The star lies with one point on the diagonal and pointing to the top right hand corner of the flag. The tip of this point lies on the diagonal at a point where the larger arc of the crescent if completed, cuts the diagonal".

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